THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 14th November, 2006

W.P.No.23235 of 1995

Between:

B. Janardhan … Petitioner

and

The Addl.Industrial Tribunal-cum-
Addl.Labour Court, Hyderabad, rep.by its
Presiding Officer, Chandra Vihar Building,
1st Floor, M.J.Road, Hyderabad
and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.23235 of 1995

ORAL ORDER:

This Writ Petition is filed seeking to quash the Award dated 20-12-1994 made in I.D.No.587 of 1993 and also the Award dated 4-4-1995 made in I.D.No.81 of 1994 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad.

It appears that the petitioners have raised the above industrial disputes under Section 2-A(2) of the Industrial Disputes Act,1947 (for short 'the Act') seeking relief of reinstatement with continuity of service and full back wages. According to them, during the Non-Gazetted Officers' strike, they were engaged from 5-11-1986 till the end of the strike. Thereafter, the petitioners and some others gave several representations seeking regularization of their services. On considering the said representations, Government issued G.O.Ms.No.69, dated 10-2-1987 directing the Heads of Departments to give preference to the employees, who are employed on *ad hoc* basis and on daily wages during the strike period, in the matter of employment. Respondent No.2 has violated the Orders of the Government in respect of the petitioners and appointed several persons in the month of May,1993 without calling them for interview. Petitioners are entitled for consideration for appointment in the 2nd respondent-hospital by giving preferential treatment.

A detailed counter affidavit has been filed by the 2nd respondent herein before the Tribunal stating that the petitioners herein were neither engaged nor any appointment orders were given to them; therefore, they are not entitled for extending the benefit as contemplated under G.O.Ms.No.69, dated 10-2-1987. The Tribunal, after perusing the evidence adduced by both parties and on an elaborate consideration of the matter, came to the conclusion that the petitioners have not placed any evidence to show that either they were engaged during the strike period or any appointment letter was given to them; therefore, rejected the claim of the petitioners. Aggrieved by the same, the present Writ Petition is filed.

Having heard the learned counsel for the petitioner and having regard to the facts and circumstances of the case, I am of the opinion that engaging or disengaging the petitioners from service is purely a question of fact and the fact finding body i.e. the Industrial Tribunal has gone into such aspect elaborately and came to the conclusion that the petitioners have not adduced any evidence before it for the purpose of extending the benefit under G.O.Ms.No.69, dated 10-2-1987 and rejected the claim of the petitioners. I am of the opinion that the Tribunal has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

14-11-2006

prk